

Union Calendar No. 395

103D CONGRESS
2D SESSION

H. R. 3300

[Report No. 103-718]

A BILL

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

SEPTEMBER 12, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. STUDDS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

SEPTEMBER 12, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 19, 1993]

A BILL

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Natural Resource Man-*
3 *agement on Military Lands Act of 1994”.*

4 **SEC. 2. AMENDMENT OF SIKES ACT.**

5 *Except as otherwise expressly provided, whenever in*
6 *this Act an amendment or repeal is expressed in terms of*
7 *an amendment to, or repeal of, a section or other provision,*
8 *the reference shall be considered to be made to a section or*
9 *other provision of title I of the Act entitled “An Act to pro-*
10 *mote effectual planning, development, maintenance, and co-*
11 *ordination of wildlife, fish, and game conservation and re-*
12 *habilitation in military reservations”, approved September*
13 *15, 1960 (16 U.S.C. 670a et seq.), commonly referred to,*
14 *and in this Act referred to, as the “Sikes Act”.*

15 **SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT**
16 **PLANS FOR MILITARY INSTALLATIONS, GEN-**
17 **ERALLY.**

18 *(a) IN GENERAL.—Section 101(a) (16 U.S.C. 670a(a))*
19 *is amended—*

20 *(1) by striking “is authorized to” and inserting*
21 *“shall”;*

22 *(2) by striking “in each military reservation in*
23 *accordance with a cooperative plan” and inserting*
24 *the following: “on military installations. Under the*
25 *program, the Secretary shall prepare and implement*

1 for each military installation in the United States an
2 integrated natural resource management plan”; and

3 (3) by inserting after “reservation is located” the
4 following: “; except that the Secretary is not required
5 to prepare such a plan for a military installation if
6 the Secretary determines that preparation of such a
7 plan for the installation is not appropriate”.

8 (b) CONFORMING AMENDMENTS.—Title I, as amended
9 by subsection (a) of this section, is further amended—

10 (1) in section 101(b) (16 U.S.C. 670a(b)) in the
11 matter preceding paragraph (1) by striking “coopera-
12 tive plan” and inserting “integrated natural resource
13 management plan”;

14 (2) in section 101(b)(4) (16 U.S.C. 670a(b)(4))
15 by striking “cooperative plan” each place it appears
16 and inserting “integrated natural resource manage-
17 ment plan”;

18 (3) in section 101(c) (16 U.S.C. 670a(c)) in the
19 matter preceding paragraph (1) by striking “a coop-
20 erative plan” and inserting “an integrated natural
21 resource management plan”;

22 (4) in section 101(d) (16 U.S.C. 670a(d)) in the
23 matter preceding paragraph (1) by striking “coopera-
24 tive plans” and inserting “integrated natural re-
25 source management plans”;

1 (5) in section 101(e) (16 U.S.C. 670a(e)) by
2 striking “Cooperative plans” and inserting “Inte-
3 grated natural resource management plans”;

4 (6) in section 102 (16 U.S.C. 670b) by striking
5 “a cooperative plan” and inserting “an integrated
6 natural resource management plan”;

7 (7) in section 103 (16 U.S.C. 670c) by striking
8 “a cooperative plan” and inserting “an integrated
9 natural resource management plan”;

10 (8) in section 106(a) (16 U.S.C. 670f(a)) by
11 striking “cooperative plans” and inserting “inte-
12 grated natural resource management plans”; and

13 (9) in section 106(c) (16 U.S.C. 670f(c)) by
14 striking “cooperative plans” and inserting “inte-
15 grated natural resource management plans”.

16 (c) CONTENTS OF PLANS.—Section 101(b) (16 U.S.C.
17 670a(b)) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (C) by striking “and”
20 after the semicolon;

21 (B) in subparagraph (D) by striking the
22 semicolon at the end and inserting a comma;
23 and

24 (C) by adding at the end the following:

1 “(E) wetland protection and restoration,
2 and wetland creation where necessary, for sup-
3 port of fish or wildlife,

4 “(F) consideration of conservation needs for
5 all biological communities, and

6 “(G) the establishment of specific natural
7 resource management goals, objectives, and time-
8 frames for proposed actions;”;

9 (2) by striking paragraph (3);

10 (3) by redesignating paragraph (2) as para-
11 graph (3);

12 (4) by inserting after paragraph (1) the follow-
13 ing:

14 “(2) shall for the military installation for which
15 it is prepared—

16 “(A) address the needs for fish and wildlife
17 management, land management, forest manage-
18 ment, and wildlife-oriented recreation;

19 “(B) ensure the integration of, and consist-
20 ency among, the various activities conducted
21 under the plan;

22 “(C) ensure that there is no net loss in the
23 capability of installation lands to support the
24 military mission of the installation;

1 “(D) provide for sustained use by the public
 2 of natural resources, to the extent that such use
 3 is not inconsistent with the military mission of
 4 the installation or the needs of fish and wildlife
 5 management;

6 “(E) provide the public access to the instal-
 7 lation that is necessary or appropriate for that
 8 use, to the extent that access is not inconsistent
 9 with the military mission of the installation;
 10 and

11 “(F) provide for professional enforcement of
 12 natural resource laws and regulations;” and

13 (5) in paragraph (4)(A) by striking “collect the
 14 fees therfor,” and inserting “collect, spend, admin-
 15 ister, and account for fees therefor,”.

16 (d) *PUBLIC COMMENT*.—Section 101 (16 U.S.C. 670a)
 17 is amended by adding at the end the following:

18 “(f) *PUBLIC COMMENT*.—The Secretary of Defense
 19 shall provide an opportunity for public comment on each
 20 integrated natural resource management plan prepared
 21 under subsection (a).”.

22 **SEC. 4. REVIEW OF MILITARY INSTALLATIONS FOR PREPA-**
 23 **RATION OF INTEGRATED NATURAL RE-**
 24 **SOURCE MANAGEMENT PLANS.**

25 (a) *REVIEW OF MILITARY INSTALLATIONS*.—

1 (1) *REVIEW.*—*The Secretary of each military de-*
2 *partment shall, by not later than 9 months after the*
3 *date of the enactment of this Act—*

4 *(A) review each military installation in the*
5 *United States that is under the jurisdiction of*
6 *that Secretary to determine the military instal-*
7 *lations for which the preparation of an inte-*
8 *grated natural resource management plan under*
9 *section 101 of the Sikes Act, as amended by this*
10 *Act, is appropriate; and*

11 *(B) submit to the Secretary of Defense a re-*
12 *port on those determinations.*

13 (2) *REPORT TO CONGRESS.*—*The Secretary of*
14 *Defense shall, by not later than 12 months after the*
15 *date of the enactment of this Act, submit to the Con-*
16 *gress a report on the reviews conducted under para-*
17 *graph (1). The report shall include—*

18 *(A) a list of those military installations re-*
19 *viewed under paragraph (1) for which the Sec-*
20 *retary of Defense determines the preparation of*
21 *an integrated natural resource management plan*
22 *is not appropriate; and*

23 *(B) for each of the military installations*
24 *listed under subparagraph (A), an explanation*
25 *of the reasons such a plan is not appropriate.*

1 (b) *DEADLINE FOR INTEGRATED NATURAL RESOURCE*
2 *MANAGEMENT PLANS.*—Not later than 2 years after the
3 date of the submission of the report required under sub-
4 section (a)(2), the Secretary of Defense shall, for each mili-
5 tary installation for which the Secretary has not deter-
6 mined under subsection (a)(2)(A) that preparation of an
7 integrated natural resource management plan is not appro-
8 priate—

9 (1) prepare and begin implementing such a plan
10 mutually agreed to by the Secretary of the Interior
11 and the head of the appropriate State agencies under
12 section 101(a) of the Sikes Act, as amended by this
13 Act; or

14 (2) in the case of a military installation for
15 which there is in effect a cooperative plan under sec-
16 tion 101(a) of the Sikes Act on the day before the date
17 of the enactment of this Act, complete negotiations
18 with the Secretary of the Interior and the heads of the
19 appropriate State agencies regarding changes to that
20 plan that are necessary for the plan to constitute an
21 integrated natural resource plan that complies with
22 that section, as amended by this Act.

23 (c) *PUBLIC COMMENT.*—The Secretary of Defense shall
24 provide an opportunity for the submission of public com-
25 ments on—

- 1 (1) *integrated natural resource management*
2 *plans proposed pursuant to subsection (b)(1); and*
3 (2) *changes to cooperative plans proposed pursu-*
4 *ant to subsection (b)(2).*

5 **SEC. 5. ANNUAL REVIEWS AND REPORTS.**

6 *Section 101 (16 U.S.C. 670a) is further amended by*
7 *adding after subsection (f) (as added by section 3(d) of this*
8 *Act) the following:*

9 “(g) *REVIEWS AND REPORTS.*—

10 “(1) *SECRETARY OF DEFENSE.*—*The Secretary of*
11 *Defense shall, by not later than March 1 of each year,*
12 *review the extent to which integrated natural resource*
13 *management plans were prepared or in effect and im-*
14 *plemented in accordance with this Act in the preced-*
15 *ing year, and submit a report on the findings of that*
16 *review to the committees. Each report shall include—*

17 “(A) *the number of integrated natural re-*
18 *source management plans in effect in the year*
19 *covered by the report, including the date on*
20 *which each plan was issued in final form or*
21 *most recently revised;*

22 “(B) *the amount of moneys expended on*
23 *conservation activities conducted pursuant to*
24 *those plans in the year covered by the report, in-*
25 *cluding amounts expended under the Legacy Re-*

1 *source Management Program established under*
2 *section 8120 of the Act of November 5, 1990*
3 *(Public Law 101–511; 104 Stat. 1905); and*

4 *“(C) an assessment of the extent to which*
5 *the plans comply with the requirements of sub-*
6 *section (b)(1) and (2), including specifically the*
7 *extent to which the plans ensure in accordance*
8 *with subsection (b)(2)(C) that there is no net loss*
9 *of lands to support the military missions of mili-*
10 *tary installations.*

11 *“(2) SECRETARY OF THE INTERIOR.—The Sec-*
12 *retary of the Interior, by not later than March 1 of*
13 *each year and in consultation with State agencies re-*
14 *sponsible for conservation or management of fish or*
15 *wildlife, shall submit a report to the committees on*
16 *the amount of moneys expended by the Department of*
17 *the Interior and those State agencies in the year cov-*
18 *ered by the report on conservation activities con-*
19 *ducted pursuant to integrated natural resource man-*
20 *agement plans.*

21 *“(3) COMMITTEES DEFINED.—For purposes of*
22 *this subsection, the term ‘committees’ means the Com-*
23 *mittees on Merchant Marine and Fisheries and*
24 *Armed Services of the House of Representatives and*

1 *the Committees on Armed Services and Environment*
 2 *and Public Works of the Senate.”.*

3 **SEC. 6. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL**
 4 **RESOURCE MANAGEMENT PLANS; ENFORCE-**
 5 **MENT OF OTHER LAWS.**

6 *Title I (16 U.S.C. 670a et seq.) is amended—*

7 *(1) by redesignating section 106 as section 110;*
 8 *and*

9 *(2) by inserting after section 105 the following:*

10 **“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

11 *“All Federal laws relating to the conservation of natu-*
 12 *ral resources on Federal lands may be enforced by the Sec-*
 13 *retary of Defense with respect to violations of those laws*
 14 *which occur on military installations within the United*
 15 *States.”.*

16 **SEC. 7. NATURAL RESOURCE MANAGEMENT SERVICES.**

17 *Title I (16 U.S.C. 670a et seq.) is amended by insert-*
 18 *ing after section 106 (as added by section 6 of this Act)*
 19 *the following:*

20 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

21 *“The Secretary of each military department shall en-*
 22 *sure that sufficient numbers of professionally trained natu-*
 23 *ral resource management personnel and natural resource*
 24 *law enforcement personnel are available and assigned re-*
 25 *sponsibility to perform tasks necessary to comply with this*

1 *Act, including the preparation and implementation of inte-*
 2 *grated natural resource management plans.”.*

3 **SEC. 8. DEFINITIONS.**

4 *Title I (16 U.S.C. 670a et seq.) is further amended*
 5 *by inserting after section 107 (as added by section 7 of this*
 6 *Act) the following:*

7 **“SEC. 108. DEFINITIONS.**

8 *“In this title:*

9 *“(1) MILITARY DEPARTMENT.—The term ‘mili-*
 10 *tary department’ means the Department of the Army,*
 11 *the Department of the Navy, and the Department of*
 12 *the Air Force.*

13 *“(2) MILITARY INSTALLATION.—The term ‘mili-*
 14 *tary installation’—*

15 *“(A) means any land or interest in land*
 16 *owned by the United States and administered by*
 17 *the Secretary of Defense or the head of a mili-*
 18 *tary department; and*

19 *“(B) includes all public lands withdrawn*
 20 *from all forms of appropriation under public*
 21 *land laws and reserved for use by the Secretary*
 22 *of Defense or the head of a military department.*

23 *“(3) STATE FISH AND WILDLIFE AGENCY.—The*
 24 *term ‘State fish and wildlife agency’ means an agen-*

1 *cy of State government that is responsible under State*
 2 *law for managing fish or wildlife resources.*

3 “(4) *UNITED STATES.*—*The term ‘United States’*
 4 *means the States, the District of Columbia, the Com-*
 5 *monwealth of Puerto Rico, and the territories and*
 6 *possessions of the United States.’”.*

7 ***SEC. 9. SHORT TITLE.***

8 *Title I (16 U.S.C. 670a et seq.) is further amended*
 9 *by inserting after section 108 (as added by section 7 of this*
 10 *Act) the following:*

11 ***“SEC. 109. SHORT TITLE.***

12 *“This title may be cited as the ‘Sikes Act’.”.*

13 ***SEC. 10. COOPERATIVE AGREEMENTS.***

14 (a) *COST SHARING.*—*Section 103a(b) (16 U.S.C.*
 15 *670c–1(b)) is amended by striking “matching basis” each*
 16 *place it appears and inserting “cost-sharing basis”.*

17 (b) *ACCOUNTING.*—*Section 103a(c) (16 U.S.C. 670c–*
 18 *1(c)) is amended by inserting before the period at the end*
 19 *the following: “, and shall not be subject to section 1535*
 20 *of that title”.*

21 ***SEC. 11. REPEAL.***

22 *Section 2 of the Act of October 27, 1986 (Public Law*
 23 *99–651; 16 U.S.C. 670a–1) is repealed.*

24 ***SEC. 12. CLERICAL AMENDMENTS.***

25 *Title I, as amended by this Act, is further amended—*

1 (1) *in the heading for the title by striking “MILI-*
2 *TARY RESERVATIONS” and inserting “MILITARY IN-*
3 *STALLATIONS”;*

4 (2) *in section 101(a) (16 U.S.C. 670a(a)) by*
5 *striking “the reservation” and inserting “the installa-*
6 *tion”;*

7 (3) *in section 101(b)(4) (16 U.S.C.*
8 *670a(b)(4))—*

9 (A) *in subparagraph (A) by striking “the*
10 *reservation” and inserting “the installation”;*
11 *and*

12 (B) *in subparagraph (B) by striking “the*
13 *military reservation” and inserting “the mili-*
14 *tary installation”;*

15 (4) *in section 101(c) (16 U.S.C. 670a(c))—*

16 (A) *in paragraph (1) by striking “a mili-*
17 *tary reservation” and inserting “a military in-*
18 *stallation”;* *and*

19 (B) *in paragraph (2) by striking “the res-*
20 *ervation” and inserting “the installation”;*

21 (5) *in section 102 (16 U.S.C. 670b) by striking*
22 *“military reservations” and inserting “military in-*
23 *stallations”;* *and*

1 (6) in section 103 (16 U.S.C. 670c) by striking
2 “military reservations” and inserting “military in-
3 stallations”.

4 **SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.**

5 (a) *PROGRAMS ON MILITARY INSTALLATIONS.*—Sub-
6 sections (b) and (c) of section 110 (as redesignated by sec-
7 tion 6 of this Act) are each amended by striking “1983”
8 and all that follows through “1993,” and inserting “1994,
9 1995, 1996, and 1997,”.

10 (b) *PROGRAMS ON PUBLIC LANDS.*—Subsections (a)
11 and (b) of section 209 (16 U.S.C. 670o (a) and (b)) are
12 each amended by striking “1983” and all that follows
13 through “1993,” and inserting “1994, 1995, 1996, and
14 1997,”.